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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **KRISTIN MICHELLE HANIGHEN**  
13 **2 Calle De Luna**  
14 **Rancho Santa Margarita, CA 92688**

15 **Registered Nurse License No. 659296**  
**Public Health Nurse License No. 69116**

16 Respondent.

Case No. **2011-705**

**A C C U S A T I O N**

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about June 22, 2005, the Board of Registered Nursing issued Registered Nurse  
24 License Number 659296 to Kristin Michelle Hanighen. The Registered Nurse License was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on September  
26 30, 2012, unless renewed.

27 3. On or about July 25, 2005, the Board of Registered Nursing issued Public Health  
28 Nurse License Number 69116 to Kristin Michelle Hanighen (Respondent). The Public Health

1 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
2 will expire on September 30, 2012, unless renewed.

3 JURISDICTION

4 4. This Accusation is brought before the Board of Registered Nursing (Board),  
5 Department of Consumer Affairs, under the authority of the following laws. All section  
6 references are to the Business and Professions Code (Code) unless otherwise indicated.

7 5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline  
8 any licensee, including a licensee holding a temporary or an inactive license, for any reason  
9 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
13 Code, the Board may renew an expired license at any time within eight years after the expiration.

14 STATUTORY PROVISIONS

15 7. Section 2761 of the Code states:

16 The board may take disciplinary action against a certified or licensed nurse or deny an  
17 application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the  
19 following:

20 (1) Incompetence, or gross negligence in carrying out usual certified or  
21 licensed nursing functions.

22 ....

23 REGULATIONS

24 8. California Code of Regulations, title 16, section 1443 states, in pertinent part:

25 As used in Section 2761 of the code, "incompetence" means the lack of  
26 possession of or the failure to exercise that degree of learning, skill, care and  
27 experience ordinarily possessed and exercised by a competent registered nurse as  
28 described in Section 1443.5.

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1 9. California Code of Regulations, title 16, section 1443.5 states, in pertinent part:

2 A registered nurse shall be considered to be competent when he/she  
3 consistently demonstrates the ability to transfer scientific knowledge from social,  
biological and physical sciences in applying the nursing process, as follows:

4 (1) Formulates a nursing diagnosis through observation of the client's  
5 physical condition and behavior, and through interpretation of information  
obtained from the client and others, including the health team.

6 (2) Formulates a care plan, in collaboration with the client, which ensures  
7 that direct and indirect nursing care services provide for the client's safety,  
comfort, hygiene, and protection, and for disease prevention and restorative  
8 measures.

9 (3) Performs skills essential to the kind of nursing action to be taken,  
explains the health treatment to the client and family and teaches the client and  
10 family how to care for the client's health needs.

11 (4) Delegates tasks to subordinates based on the legal scopes of practice of  
the subordinates and on the preparation and capability needed in the tasks to be  
12 delegated, and effectively supervises nursing care being given by subordinates.

13 (5) Evaluates the effectiveness of the care plan through observation of the  
client's physical condition and behavior, signs and symptoms of illness, and  
14 reactions to treatment and through communication with the client and health team  
members, and modifies the plan as needed.

15 (6) Acts as the client's advocate, as circumstances require, by initiating  
16 action to improve health care or to change decisions or activities which are against  
the interests or wishes of the client, and by giving the client the opportunity to  
17 make informed decisions about health care before it is provided.

18 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licensee found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case.

#### 22 FACTS

23 11. Patient L.E. was a 58 year-old man admitted at UCSD Medical Center on November  
24 28, 2006, with polycystic kidney and end stage liver disease. On December 5, 2006, Respondent  
25 and Nurse B.J. were assigned to provide nursing care for Patient L.E. At that time, Nurse B.J.  
26 had been working for UCSD Medical Center for 6 months and was under the supervision of

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Respondent. Respondent was the preceptor<sup>1</sup> for Nurse B.J. On December 5, 2006, a physician's order for Patient L.E. was written incorrectly "opium tincture 10% 5 ml po bid for diarrhea." The physician meant to order "opium tincture 10% 0.6 ml po bid for diarrhea." On December 5, 2006, at approximately 7:40 a.m., the medication dosage error was noted by the pharmacist, who changed the order and corrected it in the system. On December 5, 2006, at 9:00 a.m., Nurse B.J. took the original order as written by the physician and administered opium tincture 10% 5 ml to Patient L.E., without verifying the medication order and dosage with the pharmacy. Approximately two hours after administration of the opium tincture medication, Patient L.E. had an adverse reaction to the medication and became unresponsive. His condition continued to deteriorate despite treatment and efforts to reverse the effects. On December 28, 2006, Patient L.E. died.

#### CAUSE FOR DISCIPLINE

##### (Incompetence)

12. Respondent is subject to disciplinary action under Code section 2761(a)(1) for unprofessional conduct in that she was incompetent in the nursing care she provided to Patient L.E. on December 5, 2006, while working as a registered nurse at UCSD Medical Center, located in San Diego, California. The circumstances are more fully set forth in paragraph 11 above, and incorporated herein by reference, and as follows.

13. Respondent was incompetent when she failed to realize that a patient with a diagnosis of kidney and liver disease, such as Patient L.E., may have several medications that can be contra-indicated and therefore warrant intensive review and caution before administration of any medication. Opium tincture has precautions for use in patients with liver disease.

14. Respondent was incompetent when she failed to do an intensive review of medications for Patient L.E. before any medication was given to him.

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<sup>1</sup> A preceptor is an experienced nurse who provides practical experience and training to a less experienced nurse while working on the job.

1 15. Respondent was incompetent when she failed to provide adequate supervision to  
2 Nurse B.J. As a preceptor, Respondent is ultimately responsible for the care provided to the  
3 patients assigned to her and her orientee.

4 16. Respondent was incompetent when she failed to review and note the corrected  
5 dosage of the opium tincture on the Medication Administration Record for Patient L.E.

6 17. Respondent was incompetent when she failed to supervise and ensure that Nurse  
7 B.J. gave Patient L.E. the correct dosage of the opium tincture.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

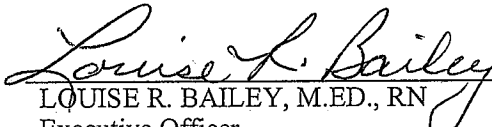
11 1. Revoking or suspending Registered Nurse License Number 659296, issued to Kristin  
12 Michelle Hanighen;

13 2. Revoking or suspending Public Health Nurse License Number 69116, issued to  
14 Kristin Michelle Hanighen;

15 3. Ordering Kristin Michelle Hanighen to pay the Board of Registered Nursing the  
16 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
17 Professions Code section 125.3; and

18 4. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: 2/14/11

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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